

Senate Engrossed House Bill

FILED

**JANICE K. BREWER
SECRETARY OF STATE**

State of Arizona
House of Representatives
Forty-eighth Legislature
First Regular Session
2007

CHAPTER 272

HOUSE BILL 2245

AN ACT

AMENDING TITLE 23, CHAPTER 2, ARTICLE 8, ARIZONA REVISED STATUTES, BY ADDING
SECTION 23-365; RELATING TO PAYMENT OF WAGES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Subject to the requirements of article IV, part 1, section
3 1, Constitution of Arizona, title 23, chapter 2, article 8, Arizona Revised
4 Statutes, is amended by adding section 23-365, to read:

5 23-365. Reliance on administrative rule or regulation

6 IN ANY ACTION OR PROCEEDING COMMENCED ON OR AFTER JANUARY 1, 2007, AN
7 EMPLOYER OR OTHER ENTITY IS NOT LIABLE IF THE EMPLOYER OR ENTITY FAILS TO PAY
8 THE MINIMUM WAGE IF THE EMPLOYER OR ENTITY PROVES THAT THE ACT OR OMISSION
9 WAS IN GOOD FAITH, CONFORMED WITH AND RELIED ON AN ADMINISTRATIVE REGULATION,
10 ORDER, RULING, APPROVAL OR INTERPRETATION, ADMINISTRATIVE PRACTICE OR
11 ENFORCEMENT POLICY ISSUED BY THE COMMISSION PURSUANT TO AND IN ACCORDANCE
12 WITH THE COMMISSION'S AUTHORITY UNDER THIS ARTICLE. THIS DEFENSE, IF
13 ESTABLISHED, BARS THE ACTION OR PROCEEDING, NOTWITHSTANDING THAT AFTER THE
14 ACT OR OMISSION, THE ADMINISTRATIVE REGULATION, ORDER, RULING, APPROVAL,
15 INTERPRETATION, PRACTICE OR ENFORCEMENT POLICY IS MODIFIED OR RESCINDED OR IS
16 DETERMINED BY JUDICIAL AUTHORITY TO BE INVALID.

17 Sec. 2. Requirements for enactment; three-fourths vote

18 Pursuant to article IV, part 1, section 1, Constitution of Arizona,
19 section 23-365, Arizona Revised Statutes, as added by this act is effective
20 only on the affirmative vote of at least three-fourths of the members of each
21 house of the legislature.

22 Sec. 3. Emergency

23 This act is an emergency measure that is necessary to preserve the
24 public peace, health or safety and is operative immediately as provided by
25 law.

APPROVED BY THE GOVERNOR JULY 2, 2007.

FILED IN THE OFFICE OF THE SECRETARY OF STATE JULY 2, 2007.